

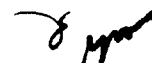
AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA
TO FACILITATE THE PROVISION OF ASSISTANCE FOR
THE TRANSFER OF SPENT HIGH-ENRICHED URANIUM NUCLEAR FUEL
TO THE RUSSIAN FEDERATION

The United States of America and the Great Socialist People's Libyan Arab Jamahiriya, hereinafter referred to as the "Parties,"

Recognizing the courageous step taken by the Great Socialist People's Libyan Arab Jamahiriya voluntarily to eliminate its programs, materials and equipment relating to weapons of mass destruction; and

Desiring to facilitate in the Great Socialist People's Libyan Arab Jamahiriya the conversion from the use of high-enriched uranium in peaceful nuclear activities to low-enriched uranium;

Have agreed as follows:

A handwritten signature in black ink, appearing to be a stylized 'J' followed by a flourish.

ARTICLE 1

Definitions

For purposes of this Agreement:

"High-enriched uranium" or "HEU" means uranium enriched to 20% or more in the isotope U-235.

"Low-enriched uranium" means uranium enriched to less than 20% in the isotope U-235.

"Nuclear fuel" means fissile isotopes of uranium contained in research and test reactor fuel assemblies, rods, control rods or sub-components thereof; research and reactor target assemblies or sub-components thereof; and bulk materials intended for research or test purposes.

"Nuclear damage" and "nuclear incident" have the meanings stated in the 1997 Protocol to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963.

ARTICLE 2

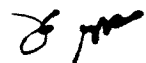
Objective

1. The United States of America intends to provide, through the Department of Energy of the United States of America/National Nuclear Security Administration, the necessary technical and financial assistance to the Great Socialist People's Libyan Arab Jamahiriya to facilitate the transfer of Soviet Union- and Russian-produced spent HEU nuclear fuel from the Nuclear Research Center at Tajura to the Russian Federation.
2. The Great Socialist People's Libyan Arab Jamahiriya shall prepare the spent HEU nuclear fuel for transfer to the Russian Federation, such preparation to include, for example, counting the fuel assemblies, measuring the radiation dose, and packaging the fuel assemblies in the transportation casks.

ARTICLE 3

Implementing Arrangements

1. The Parties, through their designated implementing agents (ministries or agencies of their respective governments), may enter into implementing arrangements as appropriate to accomplish the objectives described in Article II of this Agreement.
2. In case of any inconsistency between this Agreement and any implementing arrangements, the provisions of this Agreement shall prevail.



ARTICLE 4
Use of Assistance

The terms of this Agreement shall apply to all forms of assistance provided by the United States of America under this Agreement or its implementing arrangements, and to all related activities and personnel. All assistance provided in accordance with this Agreement shall be used exclusively for the purpose of returning Soviet Union- and Russian-produced spent HEU nuclear fuel to the Russian Federation.

ARTICLE 5
Funding

The provision of assistance under this Agreement is subject to the availability of appropriated funds.

ARTICLE 6
Taxes and Other Charges

1. All services, equipment, commodities, supplies or technology or other forms of assistance provided pursuant to this Agreement, or pursuant to an arrangement implementing this Agreement, that is imported into, exported from, transferred to, or acquired or used in the Great Socialist People's Libyan Arab Jamahiriya shall be exempt from taxation, including value-added taxes, customs duties, import taxes or other charges by the Government of the Great Socialist People's Libyan Arab Jamahiriya or any other entity within its jurisdiction. If, notwithstanding the above, any such taxes or charges are imposed, the Government of the Great Socialist People's Libyan Arab Jamahiriya shall fully reimburse the Government of the United States of America or its implementing agents.
2. The Government of the United States of America, its personnel, and its contractors and contractors' personnel responsible for facilitation of assistance under this Agreement may import into, export out of, and acquire or use within the Great Socialist People's Libyan Arab Jamahiriya any equipment, supplies, materials, technology, training or services or other forms of assistance required to implement this Agreement. Such importation, exportation, acquisition or use shall be exempt from customs duties, taxes or other charges by the Government of the Great Socialist People's Libyan Arab Jamahiriya or its instrumentalities or subdivisions. If any such taxes or charges are imposed, the Government of the Great Socialist People's Libyan Arab Jamahiriya shall fully reimburse the Government of the United States of America or its implementing agents.

ARTICLE 7
Dispute Resolution

Any dispute between the Parties arising out of the interpretation or implementation of this Agreement shall be resolved by consultations between the Parties.

ARTICLE 8
Claims

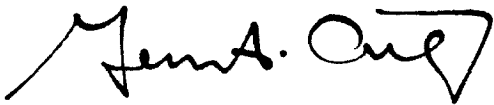
Liability for any nuclear damage resulting from a nuclear incident that occurs prior to or at the time of transfer of the spent HEU nuclear fuel to the Russian Federation receiver at Mitiga Airport in the Great Socialist People's Libyan Arab Jamahiriya, and that arises from the activities referred to in paragraphs 1 or 2 of Article 2 of this Agreement, is the exclusive responsibility of the Great Socialist People's Libyan Arab Jamahiriya.

ARTICLE 9
Entry into Force, Amendment, and Termination

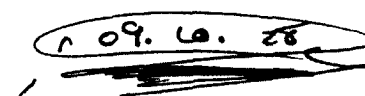
1. This Agreement shall enter into force upon signature by both Parties.
2. This Agreement or any of its implementing arrangements may be amended upon the written agreement of the Parties, and may be terminated by either Party upon thirty days written notice to the other Party; provided, however, the responsibility of the Great Socialist People's Libyan Arab Jamahiriya under Article 8 of this Agreement shall continue to apply with respect to any claims, asserted within 10 years from the time of transfer described in Article 8 of this Agreement, for any nuclear damage resulting from a nuclear incident that occurred prior to or at the time of said transfer.

DONE at Tripoli, in duplicate, this 28th day of October 2009, in the English and Arabic languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:



FOR THE GREAT SOCIALIST PEOPLE'S
LIBYAN ARAB JAMAHIRIYA:



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